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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS GARROTT,

Defendant.

CASE NO. 2:18-cr-00252-JCM-VCF-2

STIPULATION AND ORDER TO CONTINUE SENTENCING (FIFTH REQUEST)

IT IS HEREBY STIPULATED by and between Nicholas Garrott, Defendant, by and through his counsel, Paola M. Armeni, Esq., of the law firm of Clark Hill PLC and the Plaintiff, United States of America, by and through Christopher Chiou, Acting United States Attorney, and Shaheen Torgoley, Assistant United States Attorney, that the Sentencing in the above-captioned matter, currently scheduled for March 26, 2021, at the hour of 10:00 a.m. be vacated and set to a date and time convenient to the Court but not earlier than ninety (90) days.

This Stipulation is entered into for the following reasons:

1. The parties need additional time to negotiate positions regarding sentencing.
2. Pursuant to the COVID-19 updated from the BOP, on February 26, 2021, the BOP has 124,482 federal inmates in BOP-managed institutions and 13,731 in community-based facilities. The staff complement of BOP is approximately 36,000. There are 1,408 federal inmates and 1,622 BOP staff who have confirmed positive test results for COVID-

1 19 nationwide. There have been 222 federal inmate deaths and 4 BOP staff member deaths
2 attributed to COVID-19 disease.

3 3. Due to the current COVID-19 pandemic, Mr. Garrott seeks to protect his health and
4 safety by limiting his movement in and out of the Southern Nevada Detention facility to decrease
5 any risk of contracting the virus.

6 4. Additionally, Mr. Garrott has serious concerns regarding the pandemic and does not wish
7 to be designated to a BOP facility (or transported to a BOP facility) which will occur upon
8 sentencing until BOP has made strides to handle the current pandemic crisis.

9 5. Defendants Mr. Nicholas Garrott, has appeared in this case, and is in custody and, along
10 with the government, agrees to this short continuance.

11 6. The additional time requested herein is not sought for purposes of delay and the denial of
12 this request for a continuance could result in a miscarriage of justice.

13 7. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing
14 hearing for good cause. Good cause exists in this case.

15 8. For all the above-stated reasons, the ends of justice would be best served by a short
16 continuance of the sentencing hearing.

17 9. This is the fifth request for a continuance of the sentencing hearing.

18 CHRISTOPHER CHIOU
19 ACTING UNITED STATES ATTORNEY
DISTRICT OF NEVADA

CLARK HILL PLC

20 DATED this 1st day of March, 2021.

DATED this 1st day of March, 2021

21 /s/Shahen Torgoley
22 Shahen Torgoley
23 Assistant United States Attorney
Attorneys for Plaintiff,
UNITED STATES OF AMERICA

/s/Paola M. Armeni
PAOLA M. ARMENI
Attorney for Defendant,
NICHOLAS GARROTT

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

CASE NO. 2:18-cr-00252-JCM-VCF-2

4 Plaintiff,

5 vs.

6 NICHOLAS GARROTT,

7 Defendant.

8
9 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court hereby finds that:

12 **CONCLUSIONS OF LAW**

13 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes
14 that:

- 15 1. The parties need additional time to negotiate positions regarding sentencing.
- 16 2. Pursuant to the COVID-19 updated from the BOP, on February 26, 2021, the BOP
17 has 124,482 federal inmates in BOP-managed institutions and 13,731 in community-based
18 facilities. The staff complement of BOP is approximately 36,000. There are 1,408 federal
19 inmates and 1,622 BOP staff who have confirmed positive test results for COVID-
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23 safety by limiting his movement in and out of the Southern Nevada Detention facility to decrease
24 any risk of contracting the virus.
- 25 4. Additionally, Mr. Garrott has serious concerns regarding the pandemic and does not wish
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27 sentencing until BOP has made strides to handle the current pandemic crisis.

1 5. Defendants Mr. Nicholas Garrott, has appeared in this case, and is in custody and, along
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3 6. The additional time requested herein is not sought for purposes of delay and the denial of
4 this request for a continuance could result in a miscarriage of justice.

5 7. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing
6 hearing for good cause. Good cause exists in this case.

7 8. For all the above-stated reasons, the ends of justice would be best served by a short
8 continuance of the sentencing hearing.

9 9. This is the fifth request for a continuance of the sentencing hearing.

10 **ORDER**

11 **IT IS HEREBY ORDERED** that the sentencing hearing in this matter scheduled for
12 March 26, 2021, at the hour of 10:00 a.m. is hereby vacated and continued to the 2nd day of
13 July, 2021, at the hour of 10:00 a.m., in Courtroom
14 6A.

15 **DATED** March 3, 2021.

16 
17 **JAMES C. MAHAN**
18 **UNITED STATES DISTRICT COURT JUDGE**
19 **CASE NO.: 2:18-cr-00252-JCM-VCF-2**
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